



# Department of Pesticide Regulation



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## **Inyo/ Mono Pesticide Regulatory Program 2007/2008 Performance Evaluation Report**

**California Environmental Protection Agency  
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## **Performance Evaluation of the Inyo/Mono County Agricultural Commissioner Pesticide Use Enforcement Program**

This report provides an evaluation of Inyo/Mono County's Agricultural Commissioner's (CAC's) Pesticide Use Enforcement (PUE) program for fiscal year 2007/08. The assessment evaluates the performance goals identified in the CAC's enforcement work plan as well as the program's adherence to the Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium.

### **I. Summary Report of Core Program Elements**

Throughout the year, the following core areas of Inyo/Mono County's pesticide enforcement program were evaluated: restricted materials permitting, compliance monitoring, and enforcement response. The review of county records, interviews of relevant staff, and an evaluation of pesticide use for 2007/08 support the conclusions in this evaluation.

#### **A) Restricted Materials Permitting**

The restricted materials permitting program meets DPR standards and work plan goals.

#### **B) Compliance Monitoring**

The compliance monitoring program meets DPR standards and work plan goals.

#### **C) Enforcement Response**

The enforcement response program meets DPR standards and work plan goals.

### **Summary Statement:**

Inyo/Mono County crop patterns remained primarily the same from the previous year. The county continues to experience drought conditions, which lead to a decrease in garlic acreage in 2007. Field crops such as, alfalfa, hay and pasture remained relatively stable. The number of restricted materials permits and notices of intent issued in 2008 reflected the stability of the crop patterns. In 007/08, Inyo/Mono staff increased their enforcement presence in the field, which is reflected by the increased number of pesticide use monitoring inspections and headquarter audits performing during the year. The Inyo/Mono County Agricultural Commissioner's pesticide use program is currently effective.

## **II. Assessment of Core Program Effectiveness and Work Plan Goals**

### **A) Restricted Materials Permitting**

#### **Permit Issuance**

Inyo/Mono County uses the Restricted Materials Management System (RMMS) to issue permits. Staff interviews each restricted materials permit applicant to determine if the applicant is the operator of the property and has met the requirements to hold a restricted materials permit. If the applicant is not the operator of the property, a letter of authorization is required to be in the applicant's possession before the issuance of the permit. If the applicant possesses a private applicator certificate or a qualified applicator license, the numbers are verified and listed on the restricted materials permit.

Inyo/Mono County uses aerial and grower's maps to help evaluate the surrounding environment and identify sensitive sites such as schools, residential areas, waterways, and parks. Restricted materials permits are amended in person. When the permit is amended, it is entered into the RMMS program; a new permit is printed, signed and attached to the original permit.

The CAC staff adequately evaluated permits and determined if practical mitigation measures could be implemented, or if the use of feasible alternatives was required.

Inyo/Mono County issues restricted materials permits for a one-year period. During 2007/08, the CAC issued 42 restricted materials permits, 13 permit supplements and 32 operator IDs.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants
- Signed by the operator of the property or authorized persons
- Issued for a one-year time period
- Permit amendments follow approved procedures

### **Site Evaluation**

Notices of intent (NOIs) are received by fax, mail, and walk-ins. All NOIs are reviewed by licensed pesticide enforcement staff that check NOIs against the restricted materials permit. Licensed staff has the authority to accept or deny notices of intent. The county contacts both the operator of the property and the pest control business when a notice of intent is denied. A denial form is completed and filed in the property operator's restricted materials permit file. All NOIs are reviewed in a timely manner, and agricultural and non-agricultural permits are adequately monitored utilizing pre-application site evaluations and use monitoring inspections.

Inyo/Mono County received 24 NOIs in 2007/08.

The NOIs:

- Contained the necessary information
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses
- Identified mitigation measures and included conditions that addressed known hazards

## **B) Compliance Monitoring**

### **Inspections**

Inyo/Mono County's pesticide use enforcement staff possesses licenses in pesticide regulation and investigation, and environmental monitoring.

When conducting pesticide use inspections, staff will issue a violation notice when a criteria item is marked "No" on the inspection form. When worker safety non-compliances are found during an inspection, the biologist will conduct a headquarters/employee safety inspection and any follow-up inspections required. The biologist will review the compliance history for the firm/person inspected. The deputy agricultural commissioner is responsible for preparing the case file and notice of proposed action.

In 2007/08, Inyo/Mono County increased the number of county inspectors by hiring a new one-half time biologist. As a result, the county increased their number of pesticide use monitoring, structural and record inspections by 65% from the previous 2006/07 year.

DPR's evaluation found that the inspections performed by the CAC:

- Adequately addressed label, law and regulatory requirements
- Included interviews of employers and employees
- Will adequately document violations when non-compliances are noted
- Will conduct appropriate follow-up by following the department's policies and procedures

### **Investigations**

Inyo/Mono County did not have any reported pesticide illnesses in 2007/08, but did receive two pesticide related complaints. The complaints were investigated, reports were written, and each case was completed in a timely manner. The CAC referred and/or notified DPR and other agencies as required. Investigations were thorough, complete and submitted on approved forms, in the approved format. The investigations documented violations and evidence was collected according to DPR standards. The investigations provided the information necessary to successfully prosecute violations. A complaint log is maintained and available to the liaison for review.

### **C) Enforcement Response**

Staff will issue violation notices when non-compliances are found during inspections and investigations. The office technician is responsible for entering information into a database. The deputy agricultural commissioner reviews the compliance history of each respondent and utilizes the pesticide enforcement response regulations to determine if enforcement action is warranted. The inspector conducts a follow-up inspection, which includes a headquarter employer/employee inspection when worker safety non-compliances are found. Enforcement actions are taken when violations are found on incidents involving drift, pesticide related illnesses, or when required by pesticide enforcement response regulations. When enforcement actions are not taken, a decision report is written listing the violations found, classification, and a compliance history for the respondent along with an explanation of the CAC/s decision not to take an enforcement action. The agricultural commissioner signs the decision report and forwards to DPR.

Inyo/Mono County did not issue a Notice of Proposed Action in 2007/08.

### **III. Recommended Corrective Actions**

No corrective actions are currently needed.

### **IV. Non-Core and Desirable Activities**

#### **Outreach and Training**

The Inyo/Mono County Agricultural Commissioner's office provides outreach materials in compliance with pesticide laws and regulations, and worker safety to restricted material permittees. Each year, the has CAC offered two continuing education courses, which include information on restricted materials permits, pesticide use reporting, record keeping, enforcement

actions, employee training, pesticide safety, how to read and understand pesticide labels, and updates on pesticide laws and regulations. In 2008, the CAC offered an additional continuing education course targeting licensees overseeing pesticide applications on turf and landscape. The course focused on pesticide safety, labels and integrated pest management options.